

CIVIL CASE NO. 1:10cv158

Defendant.

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Specifically, the parties ask that this case be remanded to the

Appeals Council for further administrative proceedings. Accordingly, upon remand, the Appeals Council should remand this case to the Administrative Law Judge (“ALJ”) for completion of the 5-Step sequential evaluation process, as the State Agency and treating physician findings were not consistent with the ALJ’s finding that there was no severe impairment. They also ask that the case be remanded so that the ALJ can address the opinion of Dr. Pierson, who found marked limitations in several work-related categories (Tr. 278-280).

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

IT IS, THEREFORE, ORDERED that the parties' consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 15] is hereby **GRANTED**; and

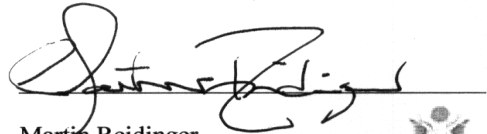
IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**; and

IT IS FURTHER ORDERED that upon remand, the Appeals Council shall further remand the case to an Administrative Law Judge (“ALJ”) for a new hearing at which Plaintiff will be able to testify and present evidence;

that the ALJ to complete the 5-Step sequential evaluation process, as the State Agency and treating physician findings were not consistent with the ALJ's finding that there was no severe impairment; and that the ALJ address the opinion of Dr. Pierson.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: June 10, 2011



Martin Reidinger
United States District Judge

